

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-cr-20096

v.

HON. MARK A. GOLDSMITH

DEVIN JAMAL WALKER,

Defendant.

_____ /

Government's Supplemental Sentencing Memorandum

Pursuant to the Court's order during the June 28, 2021 sentencing hearing, and as reflected in the Court's subsequent written order (ECF No. 36), the government submits this memorandum to address: (i) the manner in which MV-5 was victimized by Defendant Devin Jamal Walker, and (ii) the wrongful conduct in which Walker engaged following warnings he had received from the FBI.

I. MV-5

Forensic review of the electronic devices seized from Walker's residence in September 2018 revealed screenshots of threats he had made against some of his victims. One of those was MV-5, who was 14 years old at the time of the offense, and who Walker has admitted is one of his victims. (PSR ¶ 9.) The screenshot showed that the following messages were sent to MV-5 via Kik Messenger: "You

must really be scared of me. No matter how much you run, or where ever you run... I still have your nudes and face.” (Ex. 2, Messages to MV-5 (ellipsis in original).) Subscriber information obtained for MV-5’s Kik username revealed that an IP address subscribed to MV-5’s parent was consistently used to log in to the account. MV-5’s parents confirmed that MV-5 had received threatening messages over her phone around Easter that year, which scared her to the point that she told her parents about it; they did not report the incident to law enforcement, but did get MV-5 a new phone. MV-5’s parents reviewed the screenshot of messages and stated that they believed the account to belong to MV-5. (Ex. 3, Report re MV-5.) MV-5’s mother reported that “Walker spoke with [MV-5] online and made her believe that he was present in our neighborhood outside our home. He made her believe he would kill her if she did not comply with his demands for sexual photographs. . . . [MV-5] was physically and emotionally shaken to her core.” (Ex. 1, Letter from MV-5 Mother.)

II. Post-Warning Conduct

On September 21, 2018, the FBI executed a search warrant at Walker’s residence—they seized electronic devices from him and warned him to stop what he was doing. But, as Walker admitted in his Rule 11 plea agreement, “[e]ven after the FBI collected electronic devices used by [him] to produce and receive child pornography and warned him to discontinue his actions, he continued to reach out to victims and engage in sexually explicit conversations with them.” (ECF No. 22,

PageID.54; *see also* PSR ¶¶ 18, 76.) In addition, when Walker was arrested—which was approximately 3 months after the FBI spoke with him—he admitted that he had continued to have contact with victims, including a new victim, after the warning. (Ex. 5, Report re Walker Interview.) Walker’s post-warning conduct with respect to MV-3, MV-4, and the new victim (a 17-year-old girl¹) are described below.

A. MV-3

Walker has admitted that MV-3, who was 16 years old at the time of the offense, is one of his victims. (PSR ¶ 9.) A conversation with MV-3 via Kik messenger was found during the forensic review of Walker’s electronic devices that were seized in September 2018—in the conversation, Walker sends a photograph of a minor female with exposed breasts, and MV-3 responds, “TH-THOUGHT YOU DIDN’T SAVE ANY OF THEM; YOU EVEN SAID YOU DON’T SAVE THOSE.” (PSR ¶ 17.) MV-3’s parent reported that MV-3 told her that MV-3 met an individual (Walker) via the Kik messenger application who forced MV-3 to send him topless photographs of herself; MV-3 felt threatened and scared that he would expose her if she did not continue to send him inappropriate photographs. MV-3 told her parent that she cried while taking the topless photographs of herself. (Ex. 4, Report re MV-3.)

¹ To undersigned counsel’s knowledge, this victim has not been identified.

MV-3 was interviewed on November 14, 2018 and reported that she had been in contact with Walker the previous day (which was weeks after the FBI warned him to discontinue his actions). (PSR ¶ 19.) MV-3 reported that Walker “said he wanted pictures of my chest . . . he said for pleasure . . . and then eventually I did it, ’cause I didn’t know how else to handle it . . . he would say ‘two with bra on, two with bra off’ . . . there were times where I was breaking down, like crying . . .” (MV-3 Interview² at 11:31:30–11:33:00 AM.) MV-3 reported that on the day before her interview, Walker “asked for more, I did my best to get around it . . . yesterday he asked for a pic of my chest, and I said no ’cause I have to catch the bus . . . he got (unintelligible) mad, but he said oh well . . .” (*Id.* at 11:53:05–11:54:40 AM.) During her interview, MV-3 also reported that Walker had “talked about how we could meet up in the future.” (*Id.* at 12:07:05–12:07:30 PM.)

B. MV-4

Walker has admitted that MV-4, who was 14 years old at the time of the offense, is one of his victims. (PSR ¶¶ 9, 14.) Walker enticed MV-4 to send him images, including one where he directed her to get on all fours to send him an image displaying her vagina in that pose. (*Id.* ¶ 14.) During his post-arrest interview, Walker admitted that he had spoken with MV-4 the previous night—months after the FBI had warned him to discontinue his actions. (Ex. 5, Report re Walker

² The recording of MV-3’s interview is available for viewing upon request.

Interview.) He also told the FBI that he knew MV-4 to be 14 years old, and admitted that he had images of her vagina, butt, and breasts. (*Id.*)

C. 17-year-old victim

During his post-arrest interview, Walker admitted to making threats against an additional victim since the FBI spoke with him in September 2018 – he reported that she was 17 years old, and that he had pictures of her, including of her breasts, on his cellular phone. (Ex. 5, Report re Walker Interview.) Walker stated that this victim had made him angry, but he could not recall what he had threatened against her. (*Id.*)

Walker also discussed this new victim with Steven R. Miller, Ph.D., L.P., who conducted a forensic psychological evaluation of him. Walker told Dr. Miller that he did not begin contact with this victim until October 2018, which was after the FBI warned him to stop. (Ex. 6, Miller Report at 6.) Walker admitted that he “started asking [for pictures] – I saw she was ok with it [sending nude pics].” (*Id.* (substitutions in original).) Walker reported sending this victim a picture of his penis. According to Walker, sometime after this exchange, “We had a fight, she thought I was going to expose her.” (*Id.*) He claimed that “[I] didn’t know that a 17 year old was illegal to send me pics. I understood the 13 year old was wrong” and “I did threaten them to expose [themselves].” (*Id.* (substitutions in original).)

Respectfully submitted,

SAIMA S. MOHSIN
ACTING UNITED STATES ATTORNEY

s/Alyse Wu
Alyse Wu
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
Phone: (313) 226-9589
E-Mail: alyse.wu@usdoj.gov

Dated: July 12, 2021

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2021, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Rhonda R. Brazile
Attorney for Defendant

s/Alyse Wu
Alyse Wu
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
Phone: (313) 226-9589
E-Mail: alyse.wu@usdoj.gov